

U.S. Serial No. 09/912,130
Atty. Docket No. FR000076
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

FR000076

Atty. Docket

FELTS ET AL

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Serial No.: 09/912,130

Group Art Unit: 2613

FEB 17 2005

Filed: July 24, 2001

Examiner: Shawn S. An

Title: VIDEO ENCODING METHOD USING A WAVELET DECOMPOSITION

Commissioner for Patents
Alexandria, VA 22313-1450

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On: Feb. 17, 2005

By: Elissa DeLucy

Sir:

In response to the Office Action dated January 12, 2005,, the Appellant respectfully requests reinstatement of the Appeal. In the present Office Action, it is stated that a new ground of rejection has been made. Therefore, the Appellant respectfully exercises his right to request reinstatement of the Appeal, as allowed under 37 CFR 1.193(b)(2)(ii).

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Respectfully submitted,

By Russell Gross, Reg. 40,007
Attorney
(914) 333-9631

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On: Feb. 17, 2005By: Chara DeLucy**SUPPLEMENTAL APPEAL BRIEF**

Sir:

In order to supplement the Appeal Brief mailed October 8, 2005, please consider the following:

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ARGUMENTS

Claims 1-2 now stand rejected under 35 USC 103(a) as being unpatentable over Pearlman et al. (U.S. Patent No. 6,671,413).

In order to make a proper obvious rejection under 35 U.S.C. 103, MPEP Section 706.02(j) requires that the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Further, either the references must expressly or impliedly suggest the claimed invention. Ex parte Clap, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985)

In view of the above, it is respectfully submitted that Pearlman et al. neither teaches nor suggests all of the claim limitations. In particular, such features include "estimation of the probabilities of occurrence of the symbols 0 and 1 in said lists at each level of significance...are considered".

In addressing this feature in the above rejection, the Examiner now admits that Pearlman et al. does not disclose such a feature. However, it is then stated that it would be obvious to one skilled in the art to modify the determining part of Pearlman et al. with the estimation part to arrive at the present invention. In particular, the Examiner states that he regards the above feature as a calculation and that the determination in Pearlman et al. is also a calculation.

However, as previously described, Pearlman et al. only discloses determining whether each set is significant, in column 9, lines 27-37. Thus, even if you modify the determining part of Pearlman et al. with the estimation part, it still does not arrive at the present invention.

Further, the Applicant respectfully submits that the presently recited "estimation of the probabilities of occurrence of the symbols 0 and 1 in said lists at each level of significance...are considered" cannot be properly construed as just a calculation. By making this statement the

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Examiner is improperly arguing a broader scope of this feature in order to make the ~~above rejection~~ above rejection. In view of this, it is respectfully submitted that the presently recited "estimation of the probabilities of occurrence of the symbols 0 and 1 in said lists at each level of significance...are considered" is distinguishable over Pearlman et al.

It is respectfully submitted that Pearlman et al. also neither teaches nor suggests "for the encoding of each bit, a context formed of d bits preceding the current bit and different according to the model considered for said current bit is used ", as recited in Claim 2.

In addressing this feature in the above rejection, column 11, lines 49-57, and column 12, lines 16-27, of Pearlman et al. is being relied on. However, in column 11, lines 49-57, Pearlman et al. only discloses further quantization and possibly entropy coding of a significance map using arithmetic coding with simple context-based models. Further, in column 12, lines 16-27, Pearlman et al. only discloses that the four subsets are not encoded separately.

In view of the above disclosure, it is evident that Pearlman et al. does not disclose "for the encoding of each bit, a context formed of d bits preceding the current bit and different according to the model considered for said current bit is used ", as required by Claim 2. Therefore, it is respectfully submitted that this feature is also distinguishable over Pearlman et al.

In view of the above-described distinctions, the Appellant respectfully submits that the invention of Claims 1-2 is not made obvious by Pearlman et al. (U.S. Patent No. 6,671,413). Therefore, it is respectfully requested that the rejection be reconsidered and reversed.

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Respectfully submitted,

By 

Russell Gross, Reg. 40,007

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